

### **REMARKS**

In the Office Action, the Examiner noted that claims 1-43 are pending in the application and that claims 34-42 are withdrawn from consideration. Claims 1-33 and 43 are rejected. By this response, claims 1, 2, 4, 6, 7-18, 20, 23, 24-27, 30-33 and 43 have been amended. Thus, claims 1-33 and 43 are pending in the application.

### **Rejections Under 35 U.S.C. §112, second paragraph**

Claims 6, 14-15, and 17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 6 has been amended to clarify the invention and make claim 6 dependent on independent claim 1. Claim 14 has been amended to correct antecedent basis for the "end member". Claim 15 has been amended to recite, "...a cylindrical bore..." to overcome a lack of antecedent basis. Claim 17 has been amended to recite "...consisting of one of a..." in order to provide a proper Markush grouping.

Hence, the rejections under 35 U.S.C. §112, second paragraph, are believed to be overcome for claims 6, 14-15, and 17, and withdrawal of these rejections is respectfully requested.

### **Rejections Under 35 U.S.C., §102**

Claims 1-5, 7, 16-21, 24-28, 30-33 and 43 are rejected under 35 U.S.C. §102(b) as being anticipated by *Dahlberg et al.* (U.S. Patent 5,355,611) and *Sledge* (U.S. Patent No. 6,115,955). Claims 9 and 11-14 are rejected under 35 U.S.C. §102(b) as being anticipated by *Sledge*. Independent claims 1, 18, 26, and 43 have been amended to overcome the anticipation rejections of *Dahlberg et al.* and *Sledge*. More particularly, the handle assembly of claim 1 has "...a handle portion and a plurality of stackable weights...", where "... (each weight has) a cross-sectional outer surface profile configured in assembly to match a cross-sectional outer surface profile of an end portion of the handle portion such that the handle portion and the plurality of stackable weights cooperate to provide a hand grip surface...". Nowhere is this combination, along with the remaining claim limitations, provided by a single reference that teaches or enables each of the claimed elements (arranged as in the claims) expressly or inherently as interpreted by one of ordinary skill in the art. Hence, a prima facie case of anticipation is not provided by the cited prior art references. Similar limitations are now provided in amended independent claims 18, 26, and 43 (claim 18, "... (stackable weights) each having an outer surface radius 'r' that is substantially equal to an outer surface radius 'r1' of the lower handle assembly..."; claim 26, "...an outer surface of the stackable balancing weight members providing an outer grip surface with a cross-sectional surface profile that substantially matches a cross-sectional surface profile of the end of the handle portion so as to extend an outer grip surface of the handle portion."; and claim 43, "...a plurality of stackable mass members removably affixed to an end portion of the structural member, each mass member having an outer surface,

exposed in assembly to provide a conforming outer surface of the mass member substantially matching an outer surface of the structural member so as to provide a handle with a surface hand grip...). This feature and its benefits were taught in paragraphs 34 and 36 of the original patent application, thereby giving the outer appearance that the individual weights appear to be an integral part of the handle portion of the handle assembly.

Dependent claim 25 has been further amended to identify a color-coding feature as taught in paragraph 39 of the original patent application; namely, "...a visible outer surface comprising a first color and ... a visible outer surface comprising a second color...".

Accordingly, amended claims 1-5, 7, 16-21, 24-28, 30-33 and 43 are believed to overcome the anticipation rejection under 35 U.S.C. §102(b). Withdrawal of these rejections is respectfully requested.

**Rejections Under 35 U.S.C., §103**

Claims 6, 22 and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Dahlberg et al.*, or *Sledge* as applied to claims 3, 19 or 27, and further in view of *Tabor* (U.S. Patent No. 4,467,548). Claims 9 and 11-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Dahlberg et al.* as applied to claim 5, and further in view of *Sledge*. Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Dahlberg et al.* or *Sledge* as applied to claim 9, and further in view of *Tabor*. Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Sledge* or *Dahlberg et al.* as modified by *Sledge* as applied to claim 14, and further in view of *Tabor*. Independent claims 1, 18, 26, and 43 have been amended, as discussed above in reference to the anticipation rejection. Dependent claims 2, 4, 6, 7-17, 20, 23, 24-25, 27, and 30-33 have also been amended to bring them into conformance with the amendments to the respective independent claims. The arguments provided above with respect to the anticipation rejection are repeated herein. Hence, the obviousness rejection under 35 U.S.C. §103(a) for claims 3, 6, 9, 10-15, 19, 22, 27, 29 are believed to be overcome by way of amendment of the claims as described above.

Withdrawal of these rejections is respectfully requested.

**CONCLUSION**

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If

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the Examiner's next anticipated action is to be anything other than a Notice of Allowance,  
the undersigned respectfully requests a telephone interview before issuance of any such  
subsequent action.

Respectfully submitted,

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